

**REMARKS**

Claims 1-22, 25-44 and 47-50 are pending in the application. Claims 1-22, 25-44, and 47-50 stand rejected by the Office Action. Applicants hereby propose to amend claims 1, 19, 29 and 33. Basis for the amendments to claims 1, 19 and 29 is found in the specification at page 24, lines 8-15 and page 26, line 3-page 28, line 16. Accordingly, no new matter is submitted by the claim amendments. Claims 1-14, 15-22, 25-44 and 47-50 are now pending in the application. Applicant respectfully requests entry of the amendments and reconsideration and allowance of the pending claims in view of the following remarks.

**Rejection under 35 U.S.C. § 102 based on Roe, et al. (5,998,695)**

Claims 1-22, 25-44 and 47-50 remain rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,998,695 to Roe, et al. ("Roe"). In the Office Action, the Examiner indicates that Applicant's use of the expression "only a portion of a surface of said topsheet is hydrophilic" does not exclude the article disclosed by Roe, which requires an entire surface to be hydrophilic. Applicant proposes to amend the claims to recite "at least a portion of said surface of the topsheet is hydrophobic." Accordingly, the claim as amended continues to distinguish over Roe's teaching of an article wherein "at least the upper surface of the topsheet 24 is treated to be hydrophilic . . ." Roe, col. 6, ln. 5-7.

Therefore, while Roe fails to disclose an absorbent article wherein only a portion of a surface of the topsheet is hydrophilic, the present claims specifically recite an absorbent article comprising a topsheet wherein only a portion of a surface of the topsheet defined by an area that corresponds to a predetermined insult point is hydrophilic, and at least a portion of said surface of the topsheet is hydrophobic. Applicant reiterates that Figures 1-5 provide further support for this assertion, for, upon

review of the figures, one would clearly understand that the hydrophilic zone(s) depicted in the drawings refers to a *portion* of a surface of a topsheet, rather than an entire surface of the topsheet.

Applicant submits that no new matter is presented with the proposed amendments. Furthermore, Applicant submits that the proposed amendment places the claims in condition for allowance, or at least in better form for consideration on appeal. As such, Applicant respectfully requests entry of the amendments, and reconsideration and withdrawal of the claim rejections.

**Rejections under 35 U.S.C. § 103 based on Roe in view of Guidotti et al. (5,741,241)**

Claims 13, 18, 19-22, 29-44, and 47-50 are rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,998,695 to Roe, *et al.* ("Roe") in view of Guidotti. To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant respectfully submits that the burden of establishing a *prima facie* case of obviousness has not been met by the Examiner in this case.

Applicant respectfully submits that the foregoing claim amendments and arguments regarding the anticipation rejection clarify the distinctions over the cited references. Guidotti does not remedy the deficiencies of Roe. In particular, even if combined, the cited references fail to teach or suggest an absorbent article wherein only

PATENT APPLICATION NO. 09/987,196  
ATTORNEY DOCKET NO. 53394.000516

a portion of a surface of the topsheet is hydrophilic, such that at least a portion of said surface of the topsheet is hydrophobic. As such, the cited references fail to teach or suggest all of the elements of claims 13, 18, 19-22, 29-44, and 47-50, and therefore do not support a prima facie case of obviousness.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections and allow pending claims 13, 18, 19-22, 29-44, and 47-50.

PATENT APPLICATION NO. 09/987,196  
ATTORNEY DOCKET NO. 53394.000516CONCLUSION

For at least the reasons outlined above, Applicant respectfully submits that the application, if amended as proposed, is in condition for allowance. Entry of the proposed amendments and favorable reconsideration and allowance of the pending claims are respectfully solicited. Should there be anything further required to place the application in better condition for allowance, Examiner Stephens is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,  
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